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13 ROKID, INC.

14  
15 **IN THE UNITED STATES DISTRICT COURT**  
16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

17 JUN FU,  
18

19 Plaintiff,

20 v.

21 ROKID, INC.; Does 1-100, inclusive,

22 Defendants.

23 ROKID, INC.,

24 Counter Claimant,

25 v.

26 JUN FU; DOES 1-100, inclusive,

27 Counter Defendants.

28 Case No. 3:23-cv-04327-LB

**ROKID, INC.'S STATEMENT IN  
RESPONSE TO PLAINTIFF'S  
ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER ANOTHER  
PARTY'S MATERIAL SHOULD BE FILED  
UNDER SEAL**

State Compl. Filed: August 17, 2023

Removal Date: August 23, 2023

Trial Date: Not Set

1 Pursuant to Local Rule 79-5(f), Defendant and Counter Claimant Rokid, Inc. (“Rokid”) hereby  
 2 submits this Statement in Response to Plaintiff Jun Fu’s Administrative Motion to Consider Whether  
 3 Rokid’s Material Should be Sealed (Dkt. 61) (the “Statement”).

4 On November 7, 2024, Plaintiff and Counter-Defendant Jun Fu (“Fu”) filed an Administrative  
 5 Motion to Consider Whether Another Party’s Material Should Be Sealed, along with its Motion for  
 6 Summary Judgment or in the Alternative Partial Summary Adjudication of Counterclaims (the “Motion  
 7 for Summary Judgment”) (Dkt. 60), the Declaration of Jun Fu in support of Motion for Summary  
 8 Judgment or in the Alternative Partial Summary Adjudication of Counterclaims (“Fu Declaration”) (Dkt.  
 9 60-1), and the Declaration of Bryan McCormack in support of Motion for Summary Judgment or in the  
 10 Alternative Partial Summary Adjudication of Counterclaims (“McCormack Declaration”) (Dkt. 60-5).  
 11 The Fu Declaration was filed with Exhibits 1–3. The McCormack Declaration was filed with Exhibits 4–  
 12 6. Exhibits 1 and 3 to the Fu Declaration and Exhibits 4, 5, and 6 to the McCormack Declaration were  
 13 filed under seal (Dkts. 60-2, 60-4, 60-6–8). Pursuant to the Protective Order entered in this case (Dkt. 23),  
 14 Rokid designated Exhibits 1 and 3–6 as “Confidential.” After further review of the sealed exhibits,  
 15 Defendant has refiled public versions of each document with this Statement. Exhibits 1 and 3 to the Fu  
 16 Declaration and Exhibits 4 and 6 to the McCormack Declaration (together, “Exhibits 1, 3, 4, and 6”) (Dkts.  
 17 60-2, 60-4, 60-6, 60-8) have been refiled with redactions, and Exhibit 5 to the McCormack Declaration  
 18 (Dkt. 60-7) has been refiled without redactions. Declaration of Ziyong Li (“*Li Decl.*”), Exhibits 1, 3–6.

19 Exhibits 1 and 3 to the Fu Declaration and Exhibits 4 and 6 to the McCormack Declaration  
 20 (together, “Exhibits 1, 3, 4, and 6”) include the following documents:

- 21     • Exhibit 1 to the Fu Declaration, PL000051–000065;
- 22     • Exhibit 3 to the Fu Declaration, PL000418–000419;
- 23     • Exhibit 4 to the McCormack Declaration, Deposition of Liang Guan; and
- 24     • Exhibit 6 to the McCormack Declaration, Defendant’s Second Supplemental Responses to  
       Response to Plaintiff’s Special Interrogatories Set No. One.

25 For the reasons provided below, Rokid respectfully requests that Exhibits 1, 3, 4, and 6 be  
 26 maintained under seal because they contain Rokid’s and third parties’ critical commercial terms, customer  
 27

1 contact information, financial data, and competitive sensitive information. This Statement is supported  
 2 by the concurrently filed *Li Decl.*

3 The Court should find that there is good cause to justify sealing Exhibits 1, 3, 4, and 6 to Fu’s  
 4 Motion for Summary Judgment. A party seeking to seal a document filed with the Court generally must  
 5 (1) comply with Civil Local Rule 79-5; and (2) rebut the public’s right of access to the Court’s files. *See*  
 6 *Symantec Corp. v. Zscaler, Inc.*, No. 17-CV-04414-JST, 2019 WL 1560451, at \*1 (N.D. Cal. Apr. 10,  
 7 2019) (citations omitted). Because Exhibits 1, 3, 4, and 6 have been submitted with regard to a non-  
 8 dispositive issue, the Court should apply the “good cause” standard to the second prong, which is satisfied  
 9 through a “‘particularized showing’ that ‘specific prejudice or harm will result’ if the information is  
 10 disclosed.” *Id.* (citations omitted).

11 Exhibits 1, 3, 4, and 6 contain confidential information regarding Rokid. For example, Exhibit 1  
 12 contains screenshots of communications between Fu and Rokid customers, including the names of key  
 13 decision-makers. *Li Decl.*, ¶ 3. Exhibit 3 also contains detailed contact information for a key customer  
 14 decision-maker, including the title, email address, and cell phone number. *Li Decl.*, ¶ 4. Exhibit 6 also  
 15 contains the name of the key decision-maker of Rokid’s customer. *Li Decl.*, ¶ 6. If the information in  
 16 Exhibit 1, Exhibit 3, and Exhibit 6 is disclosed, competitors could easily approach these customers and  
 17 undermine Rokid’s competitive advantages developed through its customer identification efforts.  
 18 Redacted public versions of these Exhibits 1, 3, and 6 have been submitted with this Statement. *Li Decl.*,  
 19 Exhibits 1, 3, and 6. Therefore, it is appropriate to keep the original Exhibit 1 (Dkt. 60-2), Exhibit 3 (Dkt.  
 20 60-4), and Exhibit 6 (Dkt. 60-8) under seal. Exhibit 4 contains witness testimony from Rokid, including  
 21 specific customers and their sales history with the company. This information is highly sensitive as it  
 22 reveals Rokid’s customer relationships, sales history, and business performance. Public disclosure could  
 23 give competitors insight into Rokid’s market positioning, which undermines its competitive advantages.  
 24 *Li Decl.*, ¶ 5. A redacted version of Exhibit 4 has been filed with this Statement. *Li Decl.*, Exhibit 4. Thus,  
 25 it is appropriate to keep the original Exhibit 4 (Dkt. 60-5) under seal.

26 Rokid has a legitimate private interest in maintaining its confidentiality due to several reasons. *Li*  
 27 *Decl.*, ¶ 9. First, the sensitive customer data and contact information belonging to Rokid contained in  
 28

1 Exhibits 1 and 3 to the Fu Declaration and Exhibit 6 to the McCormack Declaration is pivotal for Rokid's  
 2 competitive positioning. *Id.* Keeping these details confidential is integral to protecting Rokid's business  
 3 interests because it ensures that Rokid can continue to operate efficiently and competitively within the  
 4 market. *Id.* Second, the key contact information, critical sales data, and detailed performance analysis  
 5 contained within Exhibit 4 would undermine Rokid's market advantage if disclosed. This insight into  
 6 Rokid's market positioning would allow for competitors to use these customer relationships and sales  
 7 figures to allocate resources strategically, assess Rokid's revenue patterns and sales capacity, and undercut  
 8 Rokid's strengths. *Li Decl.*, ¶ 10.

9 The confidentiality of this information upholds the security and privacy of the involved parties and  
 10 fosters trust and confidence among clients and partners. *Li Decl.*, ¶ 11. It ensures the security of sensitive  
 11 financial and personal information and maintains the integrity and competitive edge of Rokid's operational  
 12 procedures. *Li Decl.*, ¶ 12. Further, given the current nature of the parties' non-dispositive discovery  
 13 dispute, the disclosure of the information is also not necessary to the public's understanding of the case.  
 14 *Li Decl.*, ¶ 13.

15 Public disclosure of these documents could give competitors unfair insight into Rokid's business  
 16 performance, customer relationships, and sales history, which would lead to a loss of competitive  
 17 advantage. It would also compromise the security and privacy of the involved parties, exposing them to  
 18 risks such as identity theft, fraud, and unauthorized financial transactions. *Li Decl.*, ¶ 14.

19 Rokid, when compiling the redacted Exhibits 1, 3, 4, and 6, has selected only the minimal  
 20 necessary excerpts to illustrate the context of the document production at issue. It is willing to supplement  
 21 with more confidential documents if the Court deems it necessary. Accordingly, given the narrowly  
 22 tailored designation, there is no less restrictive alternative to sealing these materials. *Li Decl.*, ¶ 15.

23 The Ninth Circuit has found compelling reasons to seal "information which is used in one's  
 24 business, and which gives [it] an opportunity to obtain an advantage over competitors who do not know  
 25 or use it." *In re Elec. Arts, Inc.*, 298 F. App'x 568, 569 (9th Cir. 2008). This Court has previously found  
 26 that similar excerpts of documents should be maintained under seal. *See, e.g., Uniloc United States of*  
*America, Inc., et al., v. Apple Inc.*, Case No. 4:18-cv-00362-PJH, 2018 WL 2392561, at \*7 (N.D. Cal.

1 May 25, 2018) (sealing information that would create a security risk); *Exeltis USA Inc. v. First Databank, Inc.*, No. 17-cv-04810-HSG, 2020 WL 2838812, at \*1 (N.D. Cal. June 1, 2020) (noting that courts have generally found “confidential business information” in the form of “business strategies” sealable under the compelling reasons standard).

5 The Court should do so here too. Consistent with the bases identified above, Rokid respectfully  
6 requests that Exhibits 1, 3, 4, and 6, including the documents identified in the table below, be maintained  
7 under seal:

DOCUMENTS	BATES RANGE	DESIGNATATION
Exhibit 1 to the Fu Declaration	PL000051–000065	Confidential
Exhibit 3 to the Fu Declaration	PL000418–000419	Confidential
Exhibit 4 to the McCormack Declaration	N/A (Excerpts of the deposition of Defendant Rokid Inc.’s Rule 30(b)(6) witness Liang Guan)	Confidential
Exhibit 6 to the McCormack Declaration	N/A (Excerpts of Rokid’s Second Supplemental Responses to Response to Plaintiff’s Special Interrogatories, Set No. One)	Confidential

16 For these reasons, Rokid respectfully requests that the Court maintain under seal Exhibits 1, 3, 4,  
17 and 6 to the Motion for Summary Judgment (Dkts. 60-2, 60-4, 60-6, 60-8) listed above.

18 Dated: November 14, 2024

19 Respectfully submitted,

20 /s/ Ziyong Li  
21 ZIYONG (SEAN) LI (CA 289696)